

PROPOSED CRITERIA TO TRIGGER USFS STREAM BYPASS ANALYSIS

This criteria is for discussion at the USFS Water Government Roundtable regarding when and how bypasses would be considered as part of a USFS action. The criteria is proposed to be followed when USFS considers a stream bypass as a component of a USFS decision, or recommendation to another entity, regarding any type of USFS action.

These criteria specify when USFS shall not consider a bypass:

- 1) Diversion was initiated prior to the formation of the San Juan National Forest.
- 2) The diversion is being considered as a Ditch Bill Easement.
- 3) A new facility, or modification to an existing facility, which does not involve a river diversion on or upstream of USFS land.
- 4) Modifications to existing facilities either all or partially located on USFS land when there is no change to the diversion location or amount.
- 5) The impacts to a stream on USFS land below a diversion is minimal and the impacts are defined as diminimus, (e.g. less than an accumulated 2 miles, less than 5% of length to end of the stream, less than 5% impact on water flow, less than 5% impact on habitat).

If the above do not apply and the USFS is likely to consider a bypass then this criteria apply:

- 1) If USFS is beginning the process to evaluate whether a bypass may be included in a USFS action, the USFS shall conduct the evaluation consistent with the April 16, 2005 MOU between the USFS and the State of Colorado and the January 19, 2005 letter to Senator Wayne Allard from Mark Ray, Department of Agriculture Under Secretary for Natural Resources and Environment. The USFS shall notify the CWCB of the potential for a bypass when evaluations begin so that cooperative efforts can begin.
- 2) In addition, specific criteria may be developed for the San Juan National Forest during the Water Government Roundtable process.
- 3) The USFS shall match the provisions of a Special Use Permit and other actions, with the impact to USFS resources. (e.g. if land is impacted then water will not be evaluated)
- 4) The current standard of “40% of potential” shall be an evaluation criteria among many, not a standard.
- 5) Water related decisions can only be based on information and criteria included or specifically referenced in the “Water Section” of the management plan.